PRESERVED

App. F. IX-4

1939.
( )
Courts

File No. 178-39
Serial Nos. 1-2

Previous References
Ch. 280-29 (1-4)
177-30 (1-2)
131-31-(1-2)

Later References.
277-43-1.2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two only

PRESERVED

Part B for March 1940.

SUBJECT.

Exemption granted to Li Pattada Sivarudi Shamiyalu of Luthur Mutt, Ranjangud Tq, from appearing in Civil Courts.

No. P. 6016 & 4-3-40 To the Compiler, Mysore Gazette
Notifies exemption from personal appearance in Civil Courts.

WD 0573—GPB—22,500—12-9-39

B. B. Shankara
12-3-40

Serial No.

1

From
The Muzrai Commissioner in Mysore
No C 1382/39-40 dt 24-2-1940.

Recommends that Sri Pattada Sivaratri Swamigalu of Suttur Mutt, Nanjangud Taluk may be granted exemption from appearing in Civil Courts.

The Muzarai Commissioner, agreeing with the Deputy Commissioner Mysore District, has recommended that the Senior Swamigalu of the Suttur Mutt may be granted exemption from appearing in Civil Courts on the following grounds :-

(1) It is a premier Lingayet Mutt in the Mysore State

(2) With an annual income of Rs 20,432/- from all sources

(2) The Mutt has an ancient origin having as many as 40 branch mutts situated in and outside the State under its control with as many as 40 000 families owing allegiance to it and acknowledging its Swami as their Spiritual head.

(3) It is a Muzrai institution endowed with Devadaya Inam lands.

NOTE—Contn. Sheet

2/

5599/8

File No. of 19 | General and Revenue Secretariat.

Serial No.

(4) The Mutt enjoys a Rahadari exempting from payment of toll on Vehicles etc on State Fund roads and Municipal toll-gates during tours. — Flag H

(5) The Swamigalu of the Mutt has also been exempted ~~from~~ under Sec 29 of the Arms Act from the prohibitions contained in the rules thereunder in respect of two guns and two swords. — Flag R

The Swamigalu has represented that it will lower him in the estimation of the public if he is required to appear in civil Courts and he has also given an undertaking that he would meet the charges of Commission whenever a civil Court finds it necessary to examine him on Commission. — Flag G — Flag G

It is submitted that the marginally mentioned Lingayet* Mutts are in enjoyment of the privilege in question. Kind reference is also invited to ~~the decision of~~ the Maharajah's Proclamation pages 48 & 49 — *Murgi Mutt, Balehonnur Mutt

FEB 28 1940
8276

Of the Civil Rules of Practice Vol I embodying the names of Gurus of Mutts etc who have been exempted from personal appearance in the Civil Courts.

In View of the recommendation of the Revenue Officers and the Deputy Com^r. Mysore Dist and the Mez. Com^r, it is a point for orders as to whether the Swamiyaru of the Sutture Mutt may be granted the exemption recommended for.

A draft of a Notification is also Subd herewith for approval or other Orders.

In view of the recommendations of the Mysore Commissioners and the Deputy Commissioner the importance of the Mutt and the large number of following that the Mutt commands, the exemption prayed for may be granted.

The draft notification may be approved?

Law Secy.)

Hm 2 27.2.40.

Pl kindly peruse & the draft-below

I Member
II Member)

1.3

1.4/3/40

Hm 2 1.3.40

6065 27/V

7227 3.40

NOTE—Contd. Sheet

4 Exemption from Personal appearance in civil courts to Sri Swamigalu of Sutturu Mutt

ch File No. 178 of 1939 | 1 General and Revenue Secretariat.

Serial No.

To

The Compiler Mysore Gazette

No P 6016 dt 4.3.1940

Notifies the exemption accorded to the Sri Swamigalu of Sutturu Mutt from personal appearance in Civil Courts in the State.

Copy to :-

1) The Nuzvai Commissioner
2) The Deputy Commissioner Mysore.
3) The Registrar High Court
4) The Nuzvai Branch

No P 6017-19 dt 4.3.40 B.

39
P 39/1

M. C. 13]

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

No. C. 1382/39-40
encls 2 files.

Bangalore, 23rd February 194 0.

C 178-39-1

REV. SECRETARIAT
26 FEB. 1940
SIR

FROM

RUKN-UL-MULK
S. ABDUL WAJID, B.A.,
Muzrai Commissioner in Mysore,

To

J. Appaji Gowda, Esq., B.A.(Hon.),
Secretary to the Government of His Highness
the Maharaja of Mysore.
General *Department.*

GENERAL SECRETARY
26 FEB. 1940
SIR

Re. Grant of exemption to Sri Pattada Sivaratri Swamigalu of Suthur Mutt, in Nanjangud Taluk, from appearing in Civil Courts.

In forwarding herewith copies of letters Nos.H.1254/39 dated 15-11-39 and H.3564/39 dated 9-2-1940 together with the connected file of records received from the Deputy Commissioner, Mysore District, on the above subject, I have the honor to state that during November 1939 a recommendation was sent by the Deputy Commissioner for exempting the Sri Sivarathri Rajendraswamigalu, the Junior Swamigalu of the Suthur Mutt, from appearing in Civil Courts. The papers were returned to the Deputy Commissioner, enquiring of him, as to how the Junior Swami could be given exemption when the Senior Swami was in charge of the Mutt. He was also informed that the Junior Swami was only nominated as a successor and that he cannot be recognised as a Mathadhipathi now.

On a representation since received from the Senior Swamigalu requesting exemption in respect of the above, the Deputy Commissioner has resubmitted the papers recommending the grant of the same in favour of the Sri Pattada Sivarathri Swamigalu of the Suthur Mutt.

The Jangam Mutt at Suthur Village, Nanjangud Taluk, is a Muzrai institution endowed with Devadaya Inam lands. This is stated to be the premier Lingayet Mutt in the Mysore District, having an annual income of Rs 20,431-15-5 from all sources. The Mutt is stated to be

of ancient origin having as many as 40 branch mutts situated in and outside the State under its control with as many as 4000 familes in and outside the State owning allegiance to it, acknowledging its Swami as their spiritual head. The Mutt enjoys a Rahadari issued by this Office under No.524/30-31 dated 29-12-1930 on the authority of G.O.No.1204-15/Muz.177-30-2 dated 27-11-1930 exempting from payment of toll on vehicles etc., on all State Fund roads and Municipal toll-gates, during tours. The Swamigalu has also been exempted under Section 22 of the Mysore Arms Act--1890, from the prohibitions contained in the rules thereunder in respect of two guns and two swords, as per Government Notification No.P.140/Pol.280-29-4 dated 8-7-1930.

The Deputy Commissioner, agreeing with the local officers, has recommended the grant of exemption prayed for by the Swamigalu, from appearing in Civil Courts.

In view of the circumstances reported by the Deputy Commissioner, in his letters, and of the antiquity and importance of the Mutt, I agree with the Deputy Commissioner and request that sanction of Government may be kindly obtained to the grant of exemption to the Sri Pattada Sivarathri Swamigalu of the Suthur Mutt from personal appearance in Civil Courts, under Section 133 of the C.P.C.

I have the honor to be,

Sir,

Your most obedient servant,

M. N. Brahmaiah
Assistant Commissioner.
for Muzrai Commissioner.
(Absent from Head Quarters)

3

OFFICE OF THE DEPUTY COMMISSIONER,
MYSORE DISTRICT.

No. H.3564 of 39.
Encl.

Dated, Mysore, the ....9th February.....*19*40.

FROM

K. SUBBA RAO, ESQ., B.A.,
Deputy Commissioner, Mysore District.

To

Rukn-ul-Mulk
S. ABDUL WAJID, ESQ., B.A.,
Muzrai ~~Revenue~~ *Commissioner in Mysore,*
Bangalore.

SIR,

Re: Grant of exemption to the Sri Pattada Sivarathri Swamigalu of Suttur Mutt in Nanjangud Taluk, from appearing in Civil Courts.

Adverting to correspondence ending with your letter No. C.806 of 39 dated 28th November 1939 pointing out that while the Senior Swamigalu is in charge of the Mutt, the Junior Swamy cannot be recognised as the Mathadhipathi and that, therefore, a recommendation cannot be made to Government for the grant of exemption, I have the honor to forward herewith the records ending with the Nanjangud Sub Division Officer's report No.Muz.185 of 39-40 dated 29-1-40 and to state as follows:-

The Senior Swamigalu now represents that exemption from attendance in Civil Courts may be kindly accorded in his favour. He has also given a statement before the Sub Division Officer explaining in detail the importance of the Mutt and the necessity for the grant of exemption. This has been explained in this office letter No.H.1254/39 dated 15-11-39.

The Sub Division Officer has stated that the Mutt is worthy of enjoying the privilege under reference.

In the above circumstances a recommendation may kindly be made to Government in the matter of exempting the Senior Swamigalu

of

4

of the Mutt, from appearing in Civil Courts.

I have the honor to be,
Sir,
Your most obedient servant,

Copy

For Deputy Commissioner,
Mysore District.

HRK-3.

OFFICE OF THE DEPUTY COMMISSIONER,
MYSORE DISTRICT.

No. H.1254/39
Encl.

Dated, Mysore, the ..16th November..... *193* 9

FROM

K. SUBBA RAO, ESQ., B.A.,
Deputy Commissioner, Mysore District.

TO

Rukn-Ul-Mulk:
S. ABDUL WAJID, ESQ., B.A.,
Muzrai ~~Deputy~~ *Commissioner in Mysore,*
Bangalore.

SIR,

Re: grant of exemption from appearing in Civil Courts, to the Sri Sivarathri Rajendraswamigalu of Suttur Mutt in Nanjangud Taluk.

I have the honour to forward herewith the records ending with Nanjangud Sub Division Officer's report No.A1. 164/39-40 dated 26-10-1939 on the above subject and to state as follows:-

Sri Sivarathri Rajendra Swamy, who is the younger Swamy of the Mutt at Suttur village in Nanjangud Taluk has applied for the grant of exemption from appearance in Civil Courts under Section 133 of the C.P.C.

The Mutt in question is stated to be of ancient orgin. In support of this statement, the Swamigalu has furnished copies of certain inscriptions found near the Mutt, in Muduka-tore and other places. The present Swami is stated to be the twenty third in the line of succession.

The Mutt is stated to have as many as 40 branch Mutts situated both in and out side the state. A list of the branch Mutts furnished by the Swamigalu is in the file. The Amildar Nanjangud Taluk reports that of ~~three~~ three are situated in Nanjangud Taluk, (at Kasuvinahelli, Karya and Bilugulí). The Branch Mutt at Karya is said to be in charge of one Siddalingaswamy but the other two Mutts have no swamies. These Mutts are said to own some lands. It is reported that the control over these Mutts vests in the Suttur Swamingalu and that the people recognise him as their head. The Amildar has also reported that the

bran

branch mutts in other places are also subject to the general control of this swamigalu at Suttur.

The succession of the Sri Sivaratri Rajendra Swamigalu to the Suttur Mutt has been approved in G.O.No.488-90/Muz. 43-27-2 dated 25-9-1937.

A copy of the statement showing the income and expenditure of the Mutt is enclosed in the file. It is seen therefrom that the Mutt has an annual income of Rs.20431-15-5.

The Swamigalu has given a muchalika before the Amildar agreeing to meet the cost of commission whenever a Civil Court finds it necessary to examine him on commission. Both the Amildar and the Sub Division have recomended the grant of exemption applied for.

The Mutt is being managed very efficiently and was recently inspected by the Muzrai Commissioner. The elder Swamingalu (Sri Pattadesivaratri Swamigalu) has done a lot to develop the Mutt and increase it influence and resources. It is understood that as many as 4000 families in and outside the state owe allegiance to the Suttur Mutt and acknowledge its swami as their spiritual Head. In the Mysore District at any rate, it is the premier Lingayet Mutt.

In the fore-going circumstances, I recommend that the privilege of being examined on commission in all Civil disputes be conferred on the Swami of the Suttur Mutt.

I have the honour to be,
Sir,
Your most obedient servant,

For Deputy Commissioner,
Mysore District.

SH/2/-

Sr

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. P6016 / CS-178-39-2.

General and Revenue Secretariat,

Dated Bangalore .. 4.6 193

NOTIFICATION.

With reference to the above Civil Procedure, Government are pleased to exempt [illegible] from personal appearance in Civil Courts in the [illegible] Club from [illegible] to date.

By order,

Secretary to Government,
Law Department.

CSR

To Compiler, Laws, Mysore,
for publication.

Class
Dgm
10/3

no. P6016 & 4.B.60
cs 178-39-2

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

Notification 8

Under Section 133 Of the Code Of Civil Procedure Govt are pleased to exempt Sri pattada Sivaratri Swamigalu Of Suttur Mutt in Nanjangud Taluk from personal appearance in the Civil Courts in the State

By Order

Secretary to Govt
Law Dept

To
The Compiler Mysore Gazette
for publication
no. P6017-19 & 4.3.40

Copy to (1) The Mazrai Comr with Reports
(2) The D.C. Mysore
(3) The Regr Civil Courts
(4) Mess. Praveen

WD 0282—GPB—22,500—14-3-38

9

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. .... General and Revenue Secretariat,

Dated Bangalore *193*

NOTIFICATION.

[illegible] section 133 of the Code of Civil Procedure, Government [illegible] hereby declare that [illegible] shall be exempt from personal appearance in Civil Courts in the [illegible].

By order,

[illegible]
Secretary to Government,
Law Department.

[illegible]
[illegible]